

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 13,359)

Appeal of)

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INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying his application for medicaid until he meets a "spenddown" amount of \$2,435.00. The issue is whether the Department's decision is in accord with the pertinent regulations.

FINDINGS OF FACT

The facts are not in dispute. The petitioner and his wife both receive social security benefits for a total household income of \$1,204.10 a month. The "protected income level" under the regulations for a two person household is \$691.00. With all the applicable deductions and exclusions from the petitioner's income the family is \$2,435.00 over income for the requisite six-month computation period.

ORDER

The Department's decision is affirmed.

REASONS

When a family's income is in excess of the "protected income level" (PIL) set by the regulations (presently \$691.00⁽¹⁾), they are not eligible for medicaid until they incur medical expenses over a six-month period that exceed the amount of their "spenddown"--which is computed by subtracting the PIL from net monthly income and multiplying by six. See Medicaid Manual §§ 420-429.⁽²⁾

In this case there is no question that the Department correctly calculated the petitioner's income and

applied the pertinent regulations. Thus, the Board is bound by law to affirm the Department's decision. 3
V.S.A. § 3091(d) and Fair Hearing Rule No. 19.

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1. See Procedures Manual § P-2420B.
2. At the hearing, the hearing officer explained to the petitioner's wife how she should report to the Department medical expenses that can be used to meet her and her husband's spenddown.